

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

NICOLE WOOTEN,

Plaintiff,

v.

**LIMETREE BAY TERMINALS d/b/a
OCEAN POINT TERMINALS,
PORT HAMILTON REFINING &
& TRANSPORTATION,
WEST INDIES PETROLEUM LTD.,
LIMETREE BAY REFINERY, LLC,**

Defendants.

1:23-cv-00012-WAL-EAH

**TO: Lee J. Rohn, Esq.
Jennifer Sue Koockogey, Esq.
Donnie Marcel King, Esq.
Andrew C. Simpson, Esq.**

**ORDER CONTINUING INITIAL CONFERENCE
AND DENYING MOTION TO AMEND WITHOUT PREJUDICE**

THIS MATTER comes before the Unopposed Motion to Continue Initial Scheduling Conference, filed on December 7, 2023 by Defendant Port Hamilton Refining & Transportation ("PHRT") with the consent of the other parties in this action. Dkt. No. 32. In the motion, counsel for PHRT explains that he made a calendaring error when the Order scheduling the December 12, 2023 Initial Conference was issued, and he is now double-booked for that date. Id. The other engagement is a two-day meeting on St. Thomas where he is presenting, and it would be extremely disruptive to have to reschedule that meeting.

The second reason cited by counsel related to the fact that a motion to file a second amended complaint was filed in the Superior Court shortly before it was removed to District

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Court, and that motion remained pending. *Id.* at 2 (citing Dkt. No. 1-1 at 43). Because Plaintiff intended to serve defendant West Indies Petroleum Ltd. (“West Indies”) when that motion was ruled on, another scheduling conference would be required in this Court with West Indies’ participation. Thus, for the purposes of sparing unnecessary expense, it would further the purposes of Fed. R. Civ. P. 1 if the initial conference in this case was continued. *Id.*

Accordingly, the premises considered, it is now hereby **ORDERED**:

1. The Unopposed Motion to Continue Initial Scheduling Conference, Dkt. No. 32, is **GRANTED**.
2. The Initial Conference in this matter, scheduled for Tuesday, December 12, 2023 is **CONTINUED**. The Initial Conference will be rescheduled by further Order of the Court once West Indies Petroleum Ltd. has appeared.
3. The Plaintiff’s Motion to Amend the First Amended Complaint, filed in Superior Court (Dkt. No. 1-1 at 43), is **DENIED WITHOUT PREJUDICE**, as it does not conform to the Federal and Local Rules of Civil Procedure regarding amendments. Plaintiff shall **REFILE** the Motion to Amend to comport with the aforementioned rules by **December 14, 2023**.

ENTER:

Dated: December 7, 2023

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE